



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 8, 2017

Laura Duchnak, Director
Base Realignment and Closure Program Management Office
U.S. Department of Navy
33000 Nixie Way
San Diego, California 92147

Dear Ms. Duchnak:

As we discussed, the attached January 18, 2017 Memorandum of Understanding (MOU) between the EPA and the Navy concerning the BRAC radiological data evaluation at Hunters Point Naval Shipyard provides EPA with funds necessary to assist and support the Navy in accelerating the review of re-worked radiological data that supports environmental restoration and cleanup decisions at the site. EPA appreciates these funds, as we believe our combined efforts to address this evaluation is bringing us closer to understanding the nature and scope of the problem at hand. However, the MOU expires on September 30, 2017 and critical work remains that EPA will not be able to fully support without additional salary monies into FY18.

Section 6 (MOU Duration and Termination) allows the MOU to be amended upon mutual agreement, and EPA requests that the Navy extend the MOU through FY18 at the same FY17 level of funding (1.5 FTE). While my staff has been working with your staff on extending the MOU, I wanted to directly convey to you the urgency of the situation.

EPA's ability to continue supporting this critical radiation evaluation effort at the current pace will not be possible without the MOU, or with even a significant lapse in MOU funding. Please let me know how we can best expedite the process of extending the MOU. I may be reached at 415-972-3843 or manzanilla.enrique@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique Manzanilla".

Enrique Manzanilla
Director, Superfund Division

Attachment: EPA/Navy MOU

cc: Charlotte Bertrand, EPA HQ FFRRO



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE
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**MEMORANDUM OF UNDERSTANDING
BETWEEN
U. S. ENVIRONMENTAL PROTECTION AGENCY
AND
U. S. DEPARTMENT OF NAVY**

Subj: BASE REALIGNMENT AND CLOSURE (BRAC) RADIOLOGICAL DATA
EVALUATION, HUNTERS POINT NAVAL SHIPYARD (HPNS) MEMORANDUM OF
UNDERSTANDING (MOU)

1. Purpose: This is an agreement between the DON and the United States Environmental Protection Agency, hereinafter also referred to as the "parties". The sole purpose of this MOU is to establish responsibilities and funding for the US Environmental Protection Agency's (EPA's) assistance and support in accelerating review of re-worked radiological data that supports environmental restoration and cleanup decisions at HPNS, a DON BRAC installation. Funds provided through this MOU shall not be used to support EPA enforcement actions at a BRAC installation. The EPA and DON enter into this MOU pursuant to the Economy Act, 31 U.S.C. § 1535, Section 2905(a) (1) (E) of the Defense Base Closure and Realignment Act of 1990, which states that DON may reimburse other Federal agencies for assistance in the base closure process, and 10 U.S.C. § 2667(f) which requires a MOU to establish procedures for consultation with EPA on environmental suitability for leasing and transfer of BRAC property pursuant to that subsection.

2. Scope: As the lead agency for environmental restoration at DON installations, DON requires EPA assistance to expedite activities related to radiological data evaluation, including work to support community involvement with the objective to facilitate property transfer with remedies protective of human health and the environment. To accomplish this work EPA shall assign John Chesnutt, Superfund Section Chief (0.4 FTE), to oversee all EPA efforts and lead EPA's participation. He will be supported by a Remedial Project Manager (0.7 FTE), Community Involvement Specialist (0.15 FTE), and EPA national radiation experts (0.25 FTE) from the Environmental Response Team (ERT). This work effort reflects the duration of the MOU through September 30, 2017.

a. Task 1: Data Review: Regarding the cleanup of radioactive material at HPNS, the integrity of this data is imperative to ensuring the protectiveness of human health and the environment. EPA efforts will include participation on the "Tiger Team" which will include the following:

- Review and evaluation of radiological records are reviewed;
- Identification of priority areas of uncertainty for further assessment, especially in areas of greatest concern based on health risk;

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- Participation in the research of site records at specific locations where health risk is uncertain to determine if further sampling or scanning is needed;
- Review and recommend expedited processes to resolve inconsistencies in soil and building data; and
- Re-evaluate potential health risks to the public from validated radiological data and recommend expedited processes to resolve actual risks.

b. **Task 2: Public Outreach and Communications:** Ensuring stakeholders understand the cleanup process and procedures, as well as the radiological data integrity, is imperative for long term success of the cleanup and transfer of HPNS. EPA efforts will include the following:

- In conjunction with Navy, conduct targeted outreach to key stakeholders to determine the full breadth of community organization and stakeholder group radiological concerns. Recommend and jointly implement communications strategies to address these concerns;
- Participate in routine radiological site update presentations to inform community members and key stakeholders of progress and future plans;
- Explain key technical issues pertaining to the radiological cleanup to community members. Ensure concerns regarding radiological matters are successfully addressed and begin rebuilding trust in the cleanup process in support of property transfer and redevelopment.

3. **EPA Responsibilities:** In support of the DON and its BRAC environmental restoration and reuse efforts, EPA will provide necessary resources, as appropriate, to participate with the DON and other stakeholders in the review of re-evaluated radiological data in order to confirm remedies are protective of human health and the environment to facilitate property transfer. The EPA will make resources readily available for actions such as, but not limited to, streamlining decision-making, performing concurrent document review, participating in face-to-face meetings with other BRAC Cleanup Team (BCT) members, and providing technical assistance to DON by making the greatest use of environmental restoration tools and promoting innovative practices. Through close coordination and discussion throughout the BRAC process, EPA and DON are looking for opportunities to streamline documents, decision making, and response actions.

4. **Program Funding:** In accordance with this MOU, the DON shall fund 1.5 full-time equivalents (FTE) to EPA to expedite radiological environmental restoration and property transfer at HPNS. Nothing in this MOU shall be interpreted to affect EPA's obligation to meet its statutory and regulatory responsibilities.

5. **Reporting:** The EPA will provide, at a minimum, billing statements at the end of each fiscal quarter detailing funds received, expended, and remaining. The financial reports must comply with the financial management requirements in order to maintain accountability of funds. In the event that the financial reports are not deemed sufficient, EPA and the DON will work together to meet the requirements.

6. **MOU Duration and Termination:** This agreement takes effect on January 13, 2017, and expires September 30, 2017. This MOU may be amended upon the mutual agreement of the parties; however,

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amendments must be made in writing. Conflicts arising between the parties on the requirements or interpretation of this MOU shall be resolved administratively between the agencies. Absent agreement, dispute resolution shall be in accordance with procedures for resolving disputes between Federal agencies.



ENRIQUE MANZANILLA
U.S. Environmental Protection Agency
Director, Superfund Division

Date: 1/20/17



LAURA DUCHNAK
Department of the Navy
Director, Base Realignment and Closure Program
Management Office

Date: 1/18/17